IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6975 OF 2006

Namdev Limbaji Gaikwad .. Petitioner.
Vs.
Shashikant Kallayya Hiremath .. Respondent.

WITH

WRIT PETITION NO.6985 OF 2006

Namdev Limbaji Gaikwad .. Petitioner.
Vs.
Shashikant Kallayya Hiremath .. Respondent.

Mr.Surel S.Shah for the petitioner.
Mr.G.S.Godbole for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 19TH OCTOBER, 2006

P.C.:

. Heard learned counsel for the petitioners and the respondents.

2. The orders, impugned in both the writ petitions, dated 21.9.2006 rejecting the applications filed by the petitioner-judgment debtor seeking directions to the decree holder not to take possession of the suit tenaments unless and until the correct measurement of the premises is made to identify the property and that he is not entitled to execute the decree unless such measurements are brought on record. It appears that such application was made in view of

some variance in the measurements in the decree and in the plaint. However, the decree is in respect of tenament which is in possession of the petitioner. There is no dispute that the decree is in respect of the said tenament and, therefore, there is no difficulty in identifying the suit property and taking that into consideration the trial Court has rightly rejected the application for the reasons stated in the order. The orders, in my opinion, does not suffer from any infirmity warranting interference by this court under Article 227 of the Constitution of India. The writ petitions are dismissed.

(D.B.Bhosale, J.)